

Senate File 316 - Introduced

SENATE FILE 316
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 200)

A BILL FOR

1 An Act relating to farm tenancies of less than forty acres by
2 providing procedures for termination.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 562.1A, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. "*Animal feeding operation*" means the
4 same as defined in section 459.102.

5 Sec. 2. Section 562.6, Code 2013, is amended to read as
6 follows:

7 **562.6 Agreement for termination.**

8 If an agreement is made fixing the time of the termination
9 of a tenancy, whether in writing or not, the tenancy shall
10 terminate at the time agreed upon, without notice. Except for
11 a farm tenant who is a mere cropper or a person who holds a
12 farm tenancy with an acreage of less than forty acres where an
13 animal feeding operation is the primary use of the acreage,
14 ~~a farm tenancy with an acreage of forty acres or more~~ shall
15 continue beyond the agreed term for the following crop year and
16 otherwise upon the same terms and conditions as the original
17 lease unless written notice for termination is served upon
18 either party or a successor of the party in the manner provided
19 in section 562.7, whereupon the farm tenancy shall terminate
20 March 1 following. However, the tenancy shall not continue
21 because of an absence of notice if there is default in the
22 performance of the existing rental agreement.

23 EXPLANATION

24 BACKGROUND. Code chapter 562, and specifically Code
25 sections 562.6 and 562.7, provides procedures for terminating a
26 lease involving a farm tenancy. For example, there must be a
27 fixed amount of time between a notice of termination and the
28 actual termination date. Written notice must be given by the
29 first day of September to terminate the lease for the following
30 crop year. The lease then terminates on the first day of
31 March. If there is no timely notice of the termination or the
32 notice does not otherwise satisfy the requirements of the law,
33 the farm tenancy automatically continues under the same terms
34 and conditions of the original lease for the following crop
35 year unless there is a breach in the lease agreement or the

1 parties agree otherwise. These requirements do not apply to a
2 so-called mere cropper (e.g., a person who farms land on a crop
3 share basis) or a person who leases less than 40 acres.

4 BILL — ELIMINATION OF THE EXCEPTION. This bill eliminates
5 the general exception applying to a farm tenancy in which the
6 lease is for less than 40 acres, but provides that the 40-acre
7 exception would continue to apply where an animal feeding
8 operation is the primary use of the acreage. An animal feeding
9 operation is a place where animals are confined for 45 days or
10 more in a 12-month period (Code section 459.102). Otherwise,
11 under the bill, written notice would also have to be given
12 by the first day of September to terminate the lease for the
13 following crop year, and if notice were given, the lease would
14 terminate on the following first day of March.